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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/743,653	03/14/2001	Ahmet Mursit Eskicioglu	RCA 89131	7330

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EXAMINER
DAVIS, ZACHARY A

ART UNIT	PAPER NUMBER
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/743,653

Applicant(s)

ESKICIOGLU ET AL.

Examiner

Zachary A. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-17 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A reply was received on 10 November 2006. By this reply, no claims have been amended, added, or canceled. Claims 7-14 were previously withdrawn from further consideration as being directed to a nonelected species. Claims 1-4, 6, and 15-17 are currently under consideration in the present application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6, and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski et al, US Patent 5144663, in view of Wasilewski et al, US Patent 5870474 (cited in the previous Office action).

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In reference to Claim 1, Kudelski discloses a method for managing access to a restricted transmitted event including receiving and decrypting encrypted access information (column 6, lines 4-10) which includes data corresponding to the price of the transmitted event (column 3, lines 6-13 and 42-50), verifying that the cost of the event is less than a pre-stored cash reserve (column 6, lines 35-41), and receiving and descrambling the scrambled transmitted event (column 4, lines 5-19). Kudelski further discloses that the encrypted access information may be encrypted using any encryption system (column 4, lines 54-57); however, Kudelski does not explicitly disclose using a public key system for encrypting the access information, where the public key is shared.

Wasilewski discloses a system in which a plurality of service providers communicate with a receiver (see, for example, Figure 1, service providers 110a and 110b), where a public key system is used for encrypting access information (see, for example, column 8, lines 31-37) and where a public key is shared by a plurality of service providers (see column 10, lines 31-42, where multiple service providers share key information). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski by including the use of a shared public key, in order to prevent unauthorized users from addressing receivers (see Wasilewski, column 4, lines 12-22).

In reference to Claim 2, Kudelski and Wasilewski further disclose that the access information includes a descrambling key (Kudelski, column 6, lines 6-10) and purchase information including channel identification data, event identity data, date and time stamp data, and billing data (Kudelski, column 6, lines 11-50).

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In reference to Claim 3, Kudelski and Wasilewski further disclose transferring data associated with the purchased event to update a user's account information (Kudelski, column 8, lines 48-58).

In reference to Claim 4, Kudelski and Wasilewski further disclose a smart card (Kudelski, column 4, lines 58-63).

In reference to Claim 15, Kudelski and Wasilewski further disclose that the transmitted event can be audio/video program data (see Kudelski, column 1, lines 17-22; column 3, lines 6-20).

In reference to Claim 16, Kudelski and Wasilewski further disclose that a service provider can be a television or cable network (see Kudelski, column 1, lines 13-23; column 3, lines 46-50).

In reference to Claim 17, Kudelski and Wasilewski further disclose that the transmitted event can be a package of programs (Kudelski, column 7, line 65-column 8, line 5, where a subscription can be purchased).

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudelski in view of Wasilewski as applied to claim 4 above, and further in view of EBU Project Group, "Functional Model of a Conditional Access System".

Kudelski as modified by Wasilewski discloses everything as applied to Claim 4; however, Kudelski as modified above does not explicitly disclose the use of the PCMCIA card standard in the smart card. EBU discloses that a smart card used in a conditional access system may use the PCMCIA standard (page 69, section 3.4).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Kudelski and Wasilewski to use the PCMCIA standard for the smart card, in order to allow the system to contain the conditional access system and the descrambler in a single unit (see EBU, page 69, section 3.4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER